

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yoshifumi NOGE et al.

Serial No.: 10/634,551 Group Art Unit 1774

Filed: August 5, 2003 Examiner B.H. Hess

For : RECEIVING PAPER FOR THERMAL

TRANSFER RECORDING AND

MANUFACTURING METHOD THEREOF

PETITION

(I) UNDER 37 C.F.R. §1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT

or in the alternative
(II) UNDER 37 C.F.R. §1.137(a)
TO REVIVE ABANDONED APPLICATION
FOR UNAVOIDABLE DELAY

or further in the alternative (III) UNDER 37 C.F.R. §1.137(b) TO REVIVE ABANDONED APPLICATION FOR UNINTENTIONAL DELAY

1185 Avenue of the Americas New York, N.Y. 10036 October 5, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

This petition is submitted in response to the Notice of Abandonment dated September 26, 2007, in the above-identified application. The ground of abandonment stated in the Notice is applicants' failure to pay the issue and publication fees for the application by the due date, August 31, 2007, in response to the Notice of Allowance dated May 31, 2007.

Submitted herewith are (1) a check in payment of the issue and publication fees totaling \$1,740.00 (the currently applicable rate) for the above-identified application, together with a completed and signed Form PTOL-85B (transmittal form); (2) Exhibits, described below, evidencing telephonic and written communications between the Examiner handling the application and applicants' attorneys of record during the period between August 20, 2007, and September 26, 2007; and (3) a statement of the pertinent facts, by applicants' undersigned attorney. Attention is also directed to the availability of papers included in the aforementioned Exhibits in the Image File Wrapper of the above-identified application on Public PAIR.

Ť Ť

The Commissioner is hereby authorized and requested to charge any additional fees due in connection with the Petition to the deposit account of Cooper & Dunham, No. 03-3125, including, without limitation, any underpayment of the issue and publication fees and any petition fees due under 37 C.F.R. \$\$1.17(1), 1.17(m), 1.137(a) and 1.137(b).

(I) PETITION UNDER 37 C.F.R. § 1.181(a)

In the first instance, this is a petition to withdraw the holding of abandonment because the application was withdrawn from issue before the period originally set for payment of the issue and publication fees expired, and no new period for payment of such fees has yet been set; hence, there has been no failure to make timely payment of the issue and publication fees, and therefore the application has not become abandoned. In support of this petition, applicants submit that:

a) On August 31, 2007, within the period for payment of the issue fee (which did not expire until the end of that day), the Examiner notified applicants' attorney Paul Teng by telephone that the application would be withdrawn from issue for rejection of claims on a reference that had been timely cited and submitted with an Information Disclosure

Statement (IDS) by applicants early in the prosecution but had not been brought to the Examiner's attention until a few days before August 31, 2007, owing to error on the part of the Patent and Trademark Office (USPTO); the Examiner added that in view of these circumstances the applicant should not pay the issue fee.

Î

- Also on August 31, 2007, the Examiner sent to Mr. Teng by b) Facsimile a written Interview Summary (see attached stating that an Office Action "is being EXHIBIT 3) prepared which applies a reference . . . against some of applicants' claims." The Interview Summary, listed in the Transaction History and included in the Image File Wrapper of the subject application on Public PAIR with a date of August 31, 2007, constituted by necessary implication a written notice that the application was being withdrawn from issue; this notice was given prior to the original deadline (midnight, August 31, 2007) for payment of the issue and publication fees (a copy of this Interview Summary was mailed to the undersigned attorney of record on September 14, 2007).
- c) In addition, on the same day, August 31, 2007, Mr. Teng submitted a written communication (see attached EXHIBIT 4) by Facsimile transmission to the USPTO, making of record the Examiner's telephoned statements that the application would be withdrawn from issue for consideration of a reference and that in view of these circumstances, applicant should not pay the issue fee. This Communication, listed in the Transaction History and included in the Image File Wrapper of the subject application on Public PAIR with a date of August 31, 2007, constituted a further timely written record evidencing applicants' understanding that the application was being withdrawn from issue before payment of the issue fee and before the deadline set for such payment.
- d) When an application is withdrawn from issue before the deadline for payment of the issue fee, and before the fee

has been paid, it is not necessary for the applicant to pay the issue fee until a new Notice of Allowance is received. No new Notice of Allowance has yet been received, and according to Public PAIR no new Notice of Allowance has issued up to the present date in the above-identified application. Therefore, the application has not become abandoned for nonpayment of the issue and publication fees. The Notice of Abandonment should be withdrawn, and a new Notice of Allowance should be issued, setting a new due date for the issue and publication fees.

· The state of the

(II) ALTERNATIVE PETITION UNDER 37 C.F.R. §1.137(a)

In the alternative, if it is deemed that the application was not withdrawn from issue, this is a petition to revive the above-identified application because the delay (in payment of the issue and publication fees) that caused the abandonment was unavoidable.

The delayed required reply (payment of issue and publication fees) is submitted herewith. Authorization to charge the applicable petition fee to a deposit account is set forth above. No terminal disclaimer is required. The requisite showing of unavoidability is set forth in the statement of applicants' attorney Paul Teng (see attached EXHIBIT 4), in other Exhibits attached hereto, and in the Statement of Facts by Christopher C. Dunham set forth below.

Stated briefly, Mr. Teng was prepared to pay the issue and publication fees on August 31, 2007 and had Form PTOL-85B completed for his signature and had obtained a check for the fees (see EXHIBIT 1 attached hereto), when he received a telephone call from the Examiner in which the Examiner advised him that the application was being withdrawn from issue for preparation of a new Office Action based on previously unconsidered art, and that the issue fee need not be paid. Therefore, in reliance on the Examiner's telephoned advice (evidenced by the Examiner's Interview Summary record, EXHIBIT 3

hereto attached, and by Mr. Teng's own communication filed by Facsimile on the same day), Mr. Teng did not pay the issue fee.

Applicants submit that a delay in payment of issue and publication fees in reliance on express or implicit written advice by an Examiner that the application is being withdrawn from issue for preparation of a new Office Action, is unavoidable delay, especially where the written notice is reinforced by express telephoned advice from the Examiner that the issue fee need not be paid, which telephoned advice is timely and explicitly made a part of the written record in the USPTO file by the applicants' representative.

Moreover, a "Supplemental" Notice of Allowability was mailed on September 25, 2007, indicating on its face that a Notice of Allowance would follow (and, by necessary implication, would set a new date for payment of the issue fee). Thus, the unavoidable delay continued until applicants' undersigned attorney received the aforesaid Notice of Abandonment on October 1, 2007. The period since October 1, 2007, has been occupied in preparing this petition.

(III) ALTERNATIVE PETITION UNDER 37 C.F.R. § 1.137(b)

Further in the alternative, if the delay that caused the abandonment is not deemed to have been unavoidable, this is a petition to revive the above-identified application because the delay in payment of the issue and publication fees) that caused the abandonment was unintentional.

The delayed reply (payment of issue and publication fees) is submitted herewith. Authorization to charge the petition fee to a deposit account is set forth above. No terminal disclaimer is required.

The undersigned attorney of record hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

STATEMENT OF FACTS BY CHRISTOPHER C. DUNHAM

ĵ

- 1. I am an attorney of record in the above-identified application and am the person designated in the correspondence address of the Power of Attorney in the application.
- 2. On November 21, 2003, I caused to be mailed, to the United States Patent and Trademark Office (USPTO), an Information Disclosure Statement (IDS) submitting certain references which had been cited less than three months earlier in a European Search Report in applicants' counterpart European Patent Application. This IDS was received in the USPTO on November 24, 2003, before any Office Action issued in the above-identified application, and was therefore timely. A photocopy of the IDS, and a photocopy of the accompanying return card therefor showing the date received in the USPTO, are included in EXHIBIT 2 attached hereto.
- 3. On May 31, 2007, the USPTO mailed a Notice of Allowance of the application to me, setting a date of August 31, 2007, for payment of the issue and publication fees. This Notice of Allowance was received by me on or about June 4, 2007. A photocopy of the form PTOL-85B which accompanied the Notice of Allowance is included in EXHIBIT 1 attached hereto.
- 4. On or about August 17, 2007, in the course of preparing for a planned vacation that would continue until September 9, 2007, I asked my law partner, Paul Teng, an attorney registered to practice in the USPTO, to pay the issue and publication fees for the above-identified application upon receiving expected instructions from the assignee, and I delivered my file of the application into his custody. I then left for vacation and did not return to my office until September 10, 2007.
- 5. I am informed and believe that during my absence, on or about August 20, 2007, instructions to pay the issue and publi-

cation fees for the subject application were received by my office by Facsimile transmission from the assignee, and were brought to Mr. Teng's attention.

- 6. I am informed and believe that thereafter, on or before about August 23, 2007, Mr. Teng or a legal assistant working under his direction reviewed the file of the application, noted that an initialed copy of the IDS mailed November 21, 2003, had not been returned by the Examiner handling the application, inquired of the Examiner by telephone whether the IDS had been considered, and, at the request of the Examiner, transmitted a photocopy of the IDS by Facsimile to the Examiner. EXHIBIT 2 attached hereto is a photocopy of this Facsimile transmission, showing a transmission date of August 23, 2007, together with a photocopy of a subsequent Facsimile transmission cover sheet showing that a copy of the aforementioned European search report was transmitted to the Examiner on August 28, 2007. EXHIBIT 4 attached hereto, including a photocopy of a statement of pertinent facts by Mr. Teng which was transmitted to the USPTO by Facsimile on August 31, 2007, and is in the Image File Wrapper (IFW) of the application on Public PAIR.
- 7. I am informed and believe that thereafter, on or before August 31, 2007, Mr. Teng prepared to pay the issue and publication fees for the subject application by having Form PTOL-85B completed for signature and causing a check in the amount of the fees to be issued by our law firm's accounting department. Photocopies of the check and of the completed but unsigned Form PTOL-85B prepared for his signature are included in EXHIBIT 1 attached hereto.
- 8. I am further informed and believe that on August 31, 2007, which was the due date for payment of the issue and publication fees, the Examiner telephoned Mr. Teng to advise that (in Mr. Teng's words, in the aforementioned statement included in EXHIBIT 4)

"he [the Examiner] considered the references cited in the November 21, 2003 Information Disclosure Statement, and has decided that the application will be withdrawn from issue and that he will issue an Office Action rejecting one or more claims based on one or more of the references cited in the November 21, 2003 Information Disclosure Statement. The Examiner furfurther stated that in view of these circumstances, applicant should not pay the issue fee."

Mr. Teng's statement gives a date of "October 31, 2007," for the telephone call, but this is obviously an inadvertent error since the statement itself was transmitted to and received by the USPTO via Facsimile on August 31, 2007, as shown in the IFW copy of the statement on Public PAIR.

- 9. On August 31, 2007, the Examiner transmitted to Mr. Teng an Interview Summary of the telephone interview described in the preceding paragraph, as appears from the transmission line date in the photocopy of that summary included in Exhibit 3 attached hereto. In the Interview Summary (copy attached as EXHIBIT 3 hereto), the Examiner stated that "an action is being prepared which applies a reference cited on the above noted IDS against some of applicants' claims. This action will be completed after copies of all of the cited foreign patents are obtained."
- 10. I am further informed and believe that as a result of the August 31, 2007, telephone interview described above, Mr. Teng did not pay the issue and publication fees on that date "but instead will wait for the issuance of a new Office Action," as set forth in his statement (EXHIBIT 4) filed by Facsimile on the same day in the USPTO.
- 11. On or about September 10, 2007, following my return to my office from vacation, the Examiner telephoned me to arrange a telephone interview, which was held on September 12, 2007

(before the September 12 telephone interview, Mr. Teng told me of the events described in paragraphs 5 through 10 above). the September 12, 2007, telephone interview, the Examiner explained that the November 21, 2003, IDS and the references submitted therewith did not come to his attention until August 2007, under the circumstances described in paragraph 6 above; he stated that this delay was in no way the fault of the applicants or their representative, who timely filed the IDS before the application was examined, but was instead the fault of the USPTO in failing to deliver the IDS to him. said that he considered that an allowed claim of the application would be subject to rejection on a reference that had been submitted with the IDS, but he proposed an amendment that he stated would render the claim allowable. I undertook to find whether the applicants would approve the proposed out Upon receiving approval from the applicants' amendment. assignee, I authorized the Examiner to make the proposed amendment by Examiner's Amendment, by telephone, on or about September 17, 2007.

- 12. On September 25, 2007, the USPTO mailed a "Supplemental Notice of Allowability" with an attached sheet (page 2) setting forth the Examiner's Amendment of the claims as authorized by me. This Supplemental Notice of Allowability, of which a photocopy is attached as EXHIBIT 5 hereto, was not accompanied by a new Notice of Allowance, but it stated (printed form) that "If not included herewith (or previously mailed) a Notice of Allowance . . . will be mailed in due course" and further stated (on page 2) that any amendment addressing the changes made by the Examiner "MUST be submitted no later than the payment of the issue fee."
- 13. On September 26, 2007, the USPTO mailed the aforesaid Notice of Abandonment (photocopy attached as EXHIBIT 6 hereto), and I received it on October 1, 2007, late in the afternoon. On October 2, 2007, I discussed the Notice of Abandonment with

the Examiner by telephone. He indicated that the applicants should proceed by petition. I thereupon undertook the preparation of this petition.

14. Before receiving the Notice of Abandonment on October 1, 2007, I did not know and did not believe that the application had become abandoned for nonpayment of the issue and publication fees by the original deadline, August 31, 2007, because I believed that the application had been withdrawn from issue on that date, prior to submission of the fees, and that a new date for payment of the fees would be set. It has always been my intention, and that of Mr. Teng, and of the applicants and their assignee, that the issue and publication fees be timely paid and that a patent issue on the application.

CONCLUSION

For the foregoing reasons, it is courteously requested that the petition be granted; that the Notice of Abandonment be withdrawn (and a new Notice of Allowance issued), or if it is not withdrawn, that the above-identified application be revived; that the payment of the issue and publication fees herewith submitted be accepted; and that a patent be granted on this application.

Respectfully,

Christopher C. Dunham

Reg. No. 22,031

Attorney for Applicants

Tel. (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Christopher C. Dunham, Reg. No. 22,031

Date: OCTOBER 5, 2007

COOPER & DUNHAM LLP

Market Blacker She She She She

PTO ACCOUNT 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10038

anners of welver The server of the Contract of the Server HSBC Bank USA

DATE

1-108/210

AMOUNT

70940

0

One Thousand Seven Hundred and No/100 Dollars

& Trademarks

Patents

Commissioner of

PAY TO THE ORDER OF

8/22/2007

Œ

SECURITY FEATURES INCLUDED, DETAILS ON BACK.

"O 70 9 40"

PART B - FEE(S) TRANSMITTAL

			B - FEE(S) TRANS				
Complete and ser	nd this form, toget	her with applicable	E P	Tail Stop ISSU Commissioner fo .O. Box 1450 Llexandria, Vir	or Patents	-1450	
		138	or Fax (5	571)-273-2885			
			UE SEE and PUBLICA				sould be completed when correspondence address as rate "FEE ADDRESS" for
		ock I for any change of address)	N	ote: A certificate o	mailing can	only be used for	domestic mailings of the
	7590 05/31	/2007	DE	ipers. Each addition	ial Dadet, Such	as an assignmen	or any other accompanying it or formal drawing, must
Christopher C.	Dunham		11	Ce hereby certify that t	rtificate of Ma his Fee(s) Trai	ailing or Transn	nission denosited with the United
c/o Cooper & Du	Americas		St ad tra	ates Postal Service Idressed to the Ma ansmitted to the US	with sufficient il Stop ISSUE PTO (571) 273	postage for first FEE address a -2885, on the da	deposited with the United t class mail in an envelope above, or being facsimile the indicated below.
New York, NY 1	10036			Paul Teng		-,	(Depositor's name)
	•						(Signature)
				August 31,	2007		(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTO)R	ATTORNEY	DOCKET NO.	CONFIRMATION NO.
10/634,551	08/05/2003		Yoshifumi Noge			6 CCD	6036
TITLE OF INVENTION	RECEIVING PAPER	OR THERMAL TRANS	SFER RECORDING AN	D MANUFACTUR			
		•					
		·	·				
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSU	JE FEE TOT	AL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0		\$1700	08/31/2007
EXAMI	INER	ART UNIT	CLASS-SUBCLASS]			
HESS, BR	RUCEH	1774	428-032390				•
1. Change of corresponde CFR 1.363).	nce address or indication	of "Fee Address" (37	2. For printing on the				
	ondence address (or Cha	nge of Correspondence	(1) the names of up to or agents OR, alternate	to 3 registered pater tively,	nt attorneys	Cooper	& Dunham LLP
"Fee Address" indi-	cation (or "Fee Address'	Indication form	(2) the name of a sing registered attorney or	gle firm (having as	a member a	2	•
PTO/SB/47; Rev 03-02 Number is required.	2 or more recent) attach	ed. Use of a Customer	2 registered patent att listed, no name will b	orneys or agents. If	no name is	3	
3. ASSIGNEE NAME AN	ND RESIDENCE DATA	TO BE PRINTED ON	THE PATENT (print or t	уре)			
PLEASE NOTE: Unle	ess an assignee is identi in 37 CFR 3.11. Comp	fied below, no assignee letion of this form is NO	data will appear on the	patent. If an assign	nce is identifie	d below, the doc	cument has been filed for
(A) NAME OF ASSIG			(B) RESIDENCE: (CIT				
Ricoh Compa	any, LTD.		Tokyo, JAPA				
Please check the appropria	ate assignee category or	categories (will not be pr	inted on the patent):	Individual 🔽 C	orporation or o	ther private grow	p entity Government
4a. The following fee(s) as	re submitted:	46	Payment of Fee(s): (Ple	ease first reapply a	ny previously	paid issue fee sh	own above)
Issue Fee	small entity discount p	•	A check is enclosed.			•	,
Advance Order - #			Payment by credit ca The Director is hereb overpayment, to Dep	w authorized to char	ree the remire	d fee(s), any defic	ciency, or credit any extra copy of this form).
5. Change in Entity State		·					
NOTE: The Issue Fee and interest as shown by the re	Publication Fee (if requestords of the United State	ired) will not be accented	b. Applicant is no lor	nger claiming SMA the applicant; a regi	LL ENTITY st	atus. See 37 CFR or agent; or the	1.27(g)(2). assignee or other party in
			Office.	Date Augu	set 31	2007	
Typed or printed name					ust 31,		
This collection of informat	tion is required by 37 Cl	R 1 311 The information	n is remised to absolute		lo. <u>40,83</u>		
This collection of informat an application. Confidentia submitting the completed this form and/or suggestion Box 1450, Alexandria, Vir Alexandria, Virginia 2231. Under the Paperwork Redu	application form to the ns for reducing this burgginia 22313-1450. DO 3-1450.	USPTO. Time will vary len, should be sent to the NOT SEND FEES OR C	depending upon the indication Office Chief Information Office COMPLETED FORMS T	vidual case. Any co er, U.S. Patent and O THIS ADDRESS	omments on the Trademark Off S. SEND TO: C	e amount of time fice, U.S. Departs Commissioner for	gathering, preparing, and you require to complete ment of Commerce, P.O. r Patents, P.O. Box 1450,
					-which a a sail	· Airid counci un	HIIDCI.

Confirmation Report - Memory Send

Page : 001

Date & Time: Aug-23-07 11:06am Line 1 : +212-391-0631

Line 2 : Machine ID :

Job number

824

Date

: Aug-23 11:05am

To

: \$15712731525

Number of pages

004

Start time

Aug-23 11:05am

End time

Aug-23 11:06am

Pages sent

004

Status

OK

Job number

: 824

*** SEND SUCCESSFUL ***

COOPER & DUNHAM LLP

TELEPHONE: (212) 278-0400

CHRISTOPHER C. GUNHAM MORMAN H. ZIVIN
JOHN P. WHITE
ROBERT B.G. HOROWITZ
KHIO D. KIROCH
GARY J. GERBHIK
WENDY E. MILLETH
ROBERT Y. MALPONADO
MARIA V. MARUCCI
JEFFREY G. &HIER
TOMA A. RAYOUR
ABHOK G. CHANDRA

IVAN B. KAVRUROV
PETER D. MURRAY
MILLIAM E. PELTON
ROBERT O. KATE
PAUL TENG
PETER J. PHILLIPS
RICHARD S. MILLIES
RICHARD F. JAWORSKI
AUDE OEARPACHER
DRIAN J. AMOD
GREGORY J. CARRO
JOSEPH A. SHERNINGAY
HINDY R. DYN*

FACSIMILE: (2)2) 391-0526 (812) 301-0526 (212) 391-0630 (212) 391-0631 (213) 887-0547

GCIENTIFIC ADVICOR
JAMES R. MAJOR, D. PRIL.
AMANDA L. WILLIS, PH.D.

FOUNDED 1887 www.coopgrdunhem.com

NEW YORK STATE BAR ADMISSION PENDING

FACSIMILE TRANSMISSION PLEASE DELIVER THE FOLLOWING PAGES

TO

Bruce Hess

COMPANY

United States Putent and Trademark office

FAX NO.

: 1-571-272-1525

FROM

Lois Chang (Legal assistant to Rul Teng)

DOCKET

: _ aa71/ 69806 (CCD)

DATE

♦ IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL US AS SOON AS ♦ POSSIBLE TO: (312) 278-0400.

MESSAGE 27 :

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL. AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THIS ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

COOPER & DUNHAM LLP

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036 TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM
NORMAN H. ZIVIN
JOHN P. WHITE
ROBERT B.G. HOROWITZ
ERIC D. KIRSCH
GARY J. GERSHIK
WENDY E. MILLER
ROBERT T. MALDONADO
MARIA V. MARUCCI
JEFFREY C. SHIEH
TONIA A. SAYOUR
ASHOK G. CHANDRA*

LISA E. HORWITZ*

IVAN S. KAVRUKOV
PETER D. MURRAY
WILLIAM E. PELTON
ROBERT D. KATZ
PAUL TENG
PETER J. PHILLIPS
RICHARD S. MILNER
RICHARD F. JAWORSKI
AUDE GERSPACHER
BRIAN J. AMOS
GREGORY J. CARBO
JOSEPH A. SHERINSKY*

HINDY R. DYM*

FACSIMILE: (212) 391-0525 (212) 391-0526 (212) 391-0630 (212) 391-0631 (212) 827-0247

SCIENTIFIC ADVISOR

JAMES R. MAJOR, D. PHIL.

AMANDA L. WILLIS, PH.D.

FOUNDED 1887
www.cooperdunham.com

NEW YORK STATE BAR ADMISSION PENDING

FACSIMILE TRANSMISSION PLEASE DELIVER THE FOLLOWING PAGES

TO: Bruce Hess

COMPANY: United States Patent And Trademark office

FAX NO.: 1-571-272-1525

FROM: Lois Chang (Legal assistant to Paul Teng)

DOCKET: 2271/69806 (C(D))

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET:

DATE

♦ IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL US AS SOON AS ♦ POSSIBLE TO: (212) 278-0400.

 $MESSAGE \boxtimes$:

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yoshifumi NOGE et al.

Serial No.: 10/634,551

Filed: August 5, 2003

For : RECEIVING PAPER FOR THERMAL TRANSFER RECORDING

AND MANUFACTURING METHOD THEREOF

INFORMATION DISCLOSURE STATEMENT

1185 Ave. of the Americas New York, N.Y. 10036 November 21, 2003

Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

S I R:

Attention is respectfully directed to the items of information (copies enclosed) listed on the attached Form PTO-1449. All these items were cited in a Search Report from the European Patent Office, (copy also enclosed) in applicants' counterpart European patent application.

I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Respectfully,

Christopher C. Dunham Reg. No. 22,031 Attorney for Applicants

Tel. (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P, O, Bx 1450, Alexandria, VA 22313-1450.

Christopher C. Dunham, Reg. No. 22,031

Date

11/21/03

Ampliant					lovi
Applicant	- Yoshifumi NOGE et al				
Client	2271 Ricoh Co., Ltd.	File No	69806	Atty. CCI	<u>) </u>
Date	November 21, 2003	 ·			
	Kindly acknowledg	ge receipt of the	accompan	ying	
PE	INFORMATION DIS w/cert. of mailing; FORM PTO-1449 w RECEIVING PAPER RECEIVING AND	/cert. of maili	ing+ attac	chments. RANSFER	PEOF
0,	SN 10/654.55! - filed			Propins of the second	
wm 2	TOTAL BE				
4			and the same of th	DEC - 2 200	13
Ton.	placing your receiving	date stamp here	on and retu	urning to us.	1

orm PTC)-144	9		U.	.S. ate	Depa	artn nd 7	nent Frac	t of Comme demark Off	rce ice		Atty. Dock 69806 C		Serial No. 10/634,		
INFORMATION DISCL								c C I	OCUDE C	ITATION		Applicants: Yoshifumi NOGE et al.				
INFORMATION DISCL (Use several shee											Filing Date August	Filing Date August 5, 2003		Group 1774		
									U.S. PA	TENT DO	CUMENTS					
Xaminer nitial	Росил	nent!	Num	ber	_ 			-	Date		Name	Class	Subclass	Filing Date if Appropriate		
	us	5	1	5	5	0	9	0	10/1992	Aono et	al.					
		<u> </u>							<u> </u>	<u> </u>			<u> </u>			
			<u> </u> 			 	<u> </u>									
						<u> </u>										
			<u> </u> 	<u> </u> 	<u> </u>		<u> </u> 	<u> </u> 								
							<u> </u>		<u> </u>					<u> </u>		
	1	+	<u> </u>	-	1		<u> </u>	<u> </u> 	<u> </u>					 		
 -			1	<u> </u>	<u> </u>	<u> </u>	1	1	FOREIGN	PATENT	DOCUMEN	NTS				
D	ocun	nent	Nu	mbe	er				Date		Country	Class	Subclass	Transla		
			le	1,	10	10	8	lo	10/1994	Europe				Yes	No	
	<u> </u> 	0	7	5	1	0	0	5	01/1997	Europe						
			†		İ			İ								
		+	+	1	1	-	+	<u> </u>				<u> </u>				
			1) TH	ER	DO	CU	ME	NTS (Inclu	ding Autho	r, Title, Da	te, Pertinent I	Pages, Etc.)			
		<u> </u>									299 (M-1274), July 2, 1	992,			
	-	Ab	str	act	of	JP.	040	827	90, 03/16/	92						
		Eu	rop	ean	Sea	arch	Re	por	t, EP 0301	7750.5-125	1-, 11/03/	2003				
	-								<u> </u>							
EXAMINE	ER	1			 ,				DATE CON	SIDERED	· · · · · · · · · · · · · · · · · · ·					
1																

COOPER & DUNHAM LLP

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036 TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM
NORMAN H. ZIVIN
JOHN P. WHITE
ROBERT B.G. HOROWITZ
ERIC D. KIRSCH
GARY J. GERSHIK
WENDY E. MILLER
ROBERT T. MALDONADO
MARIA V. MARUCCI
JEFFREY C. SHIEH
TONIA A. SAYOUR
ASHOK G. CHANDRA*
LISA E. HORWITZ*

IVAN S. KAVRUKOV
PETER D. MURRAY
WILLIAM E. PELTON
ROBERT D. KATZ
PAUL TENG
PETER J. PHILLIPS
RICHARD S. MILNER
RICHARD F. JAWORSKI
AUDE GERSPACHER
BRIAN J. AMOS
GREGORY J. CARBO
JOSEPH A. SHERINSKY*
HINDY R. DYM*

FACSIMILE: (212) 391-0525 (212) 391-0526 (212) 391-0630 (212) 391-0631

(212) 827-0247

SCIENTIFIC ADVISOR

JAMES R. MAJOR, D. PHIL

AMANDA L. WILLIS, PH.D.

FOUNDED 1887 www.cooperdunham.com

'NEW YORK STATE BAR ADMISSION PENDING

FACSIMILE TRANSMISSION PLEASE DELIVER THE FOLLOWING PAGES

TO: Bruce Hess

COMPANY: United States Patent + Trademark of fice

FAX NO.: 1-571-273-1525

FROM: Lois Chang (Legal assistant to Paul Teng)

DOCKET: 2271/69806 (CCD)

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET:

DATE

♦ IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL US AS SOON AS ♦ POSSIBLE TO: (212) 278-0400.

MESSAGE : European search Report

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU

1-212-391-0525

To: Paul Teng

From: Examiner Hess

5.W. 10/634, SSI

1 copy of interview summary

	Application No.	Applicant(s)
	10/634,551	NOGE ET AL.
Interview Summary	Examiner	Art Unit
	Bruce H. Hess	1774
(こ) All participants (applicant, applicant's representative	PTO personnel):	
1) <u>Bruce H. Hess</u> .	(3)	
2) Mr Teng	(4)	
Date of Interview: 8-31-07		
Type: a) Telephonic b) Video Conferen c) Personal [copy given to: 1) applic	ce ant 2) applicant's represe	entative]
Exhibit shown or demonstration conducted: d) [] If Yes, brief description:		
Claim(s) discussed: 2-7 and 15-18	7	_
Identification of prior art discussed:	bmitted prior	to examination
Agreement with respect to the claims f) was read		
Substance of Interview Including description of the reached, or any other comments: (A fuller description, if necessary, and a copy of the allowable, if available, must be attached. Also, who allowable is available, a summary thereof must be	e amendments which the examere no copy of the amendment	iner agreed would render the claims
THE FORMAL WRITTEN REPLY TO THE LAST OF INTERVIEW. (See MPEP Section 713.04). If a repulsion A NON-EXTENDABLE PERIOD OF THE LOUINTERVIEW DATE, OR THE MAILING DATE OF THE A STATEMENT OF THE SUBSTANCE OF The requirements on reverse side or on attached sheet.	FFICE ACTION MUST INCLUING to the last Office action has DNGER OF ONE MONTH OR HIS INTERVIEW SUMMARY INTERVIEW. See Summar	THIRTY DAYS FROM THIS FORM, WHICHEVER IS LATER, TO ry of Record of Interview
Applicants' attention	n is directer	d to the
fact that an action	on is being	brebored mysey
applies a reference	cited on th	re apane wated
IDS against some of action will be comp	f applicants	claims. This
action will be comp	leted etter	copies of all
of the cited foreign	, patents are	e obtained
Examiner Note: You must sign this form unless it is an	R.,	PRIMARY EXAM er's signature, if required
Attachment to a signed Office action.	Examin	er's signature, if required

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENT'S
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,551	08/05/2003	Yoshifumi Noge	69806 CCD	6036
Christopher C.	7590 09/14/2007 Dunham		EXAM	INER
c/o Cooper & D	ounham LLP		HESS, BF	RUCE H
1185 Ave. of th New York, NY			ART UNIT	PAPER NUMBER
,			1774	
			MAIL DATE	DELIVERY MODE
			09/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS P.O. Box 1450

Alexandria, Virginia 22313-1450

CONTROL NO.	FILING DATE	PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
			EXAMINER
		-	

ART UNIT PAPER

20070831

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Bruce H Hess Primary Examiner Art Unit: 1774

0371164806		()	21)
RECEIVED	Application No.	Applicant(s)	
COOPER DUNHAM THE THE PROPER DUNHAM	10/634,551	NOGE ET AL.	
SEP 1 9 2007 (1)00	Examiner	Art Unit	
J. J. J. J. J. J. J. J. J. J. J. J. J. J	Bruce H. Hess	1774	
All participants (applicant's representative, PTO			
(1) Bruce H. Hess.	(3)	21:01 SR1 FULL	
(2) Mr. Teng	(4)	40141	
Date of Interview: 8-31-07			
Type: a) ☑ Telephonic b) ☐ Video Conference c) ☐ Personal [copy given to: 1) ☐ applicant	2)⊡ applicant's representativ	/e]	
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	e) No.		
Claim(s) discussed: 2-7 and 15-18			
Identification of prior art discussed:	Hed prior to	e kam	nation
Agreement with respect to the claims f) was reached.	g) was not reached. h)	N/A.	
Substance of Interview including description of the general reached, or any other comments:	nature of what was agreed to	o if an agreement	was
(A fuller description, if necessary, and a copy of the amendallowable, if available, must be attached. Also, where no allowable is available, a summary thereof must be attached	copy of the amendments that		
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE A INTERVIEW. (See MPEP Section 713.04). If a reply to the GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW DATE, OF THE SUBSTANCE OF THE INTERPOLY.	e last Office action has alread OF ONE MONTH OR THIRT ERVIEW SUMMARY FORM,	y been filed, APP Y DAYS FROM WHICHEVER IS	LICANT IS THIS LATER, TO
Applicants' attention.	is directed	to the	
fact that an action	is being pr	sboreq	uhich
applies a reference cit	ed on the	above	baton
IDS against some of a	pplicants cl	aims, T	his
action will be complete	ed atter col	to esic	all
of the cited foreign po	itents are o	bdained.	
	Bush	PR ve	BRUCE H. HESS IMARY EXAMINER
Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.	Examiner's sign	nature, if required	GROUP 1300

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed.
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
 - (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Auto-Reply Facsimile Transmission



Fax Sender at +212 391 0631 TO:

Fax Information

8/31/2007 4:07:57 PM [Eastern Daylight Time] Date Received:

3 (including cover page) **Total Pages:**

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received Cover Page

T-C17 P.001/003 F-860 +212-291-0G21 03:5Gpm Aug-31-07

COOPER & DUNHAM I.I.P. AITORNEYS AT LAW

HISS AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10026 TELEPHONE: (212) 278-0400

HW L. H FAKHAM PETEND MUPRAY ROSERI D G = (190±177 ENGLY SCHOOL WENDY & MILLER STATE MATERIAL AUCE DIREPARATOR TONIA A. BASCAIA ADIO 4 D. CHANDEN PARAMENT A RESERVE FACSIMILE ISIN 39 -UBER IFIELDS -DEPA 1212130:-0430 (BIBI 301-063: 1212: 627-0247

JANEE D. WAYOR, D. P. R. wande - William J. FOUR DED INE!

THEM PURH STATE DAN ALDIGHTEN PENCHA

TACEIMILE TRANSMISSION

PLEASE DELIVER THE FOLLOWING PAGES

United States Patent and Trademark Office

Examiner Bruce Hess, Group Art Unit 17747 ATTN.:

PAX NO.: (571) 273-8300

Paul Teng FROM :

OUR DOCKEL VO : 3331/63806

August 31, 2007_ DATE :

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 3

O IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0400.

WESSAGE W

In connection with Serial No. 10/634,551: COMMUNICATION AND RESPONSE TO NOTICE OF ALLOWANCE.

Due Date: August 31, 2007

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESTGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT CUMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREDY NOTIFIED THAT TOO HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DIDTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMICATION IN ERROR, OR IF UPON READING THIS DOCUMENT TOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY BENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND return the original message to us by Mail. Thank You.

PAGE 1/3 * RCVD AT 8/31/2007 4:07:57 PM [Eastern Dayligia Time] * SVR:USPTO-EFXRF-8/19 * DNIS:2738300 * CSID:+212 391 0031 * DURATION (mm-ss):01-00

Confirmation Report - Memory Send

Page : 001

Date & Time: Aug-31-07 03:56pm Line 1 : +212-391-0631

Line 2 : Machine ID :

Job number : 960

Date : Aug-31 03:55pm

To : 215712738300

Number of pages : 003

Start time : Aug-31 03:55pm

End time : Aug-31 03:56pm

Pages sent : 003

Status : OK

Job number : 960

*** SEND SUCCESSFUL ***

COOPER & DUNHAM LLP

ATTORNEYS AT LAW

HOS AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036 TELEPHONE: (212) 276-0400

CHRISTOPHER C. DUNHAM IVAN S. KAVRUKOV NORMAN M. ZIVIN JOHN P. WHITE PETEN D. MURRAY WILLIAM E. PELTON MONERT D.G. MOROWITZ ROBERT D. KATZ ERIC D. HIRBCH SARY J GERSHIK PAUL TENS PETEN J. PHILLIPS WANDY B. MILLOR RODERTY T MALBONARD MARIA V MARUCCI JEPPREY G ANICH RIGHARD & MILNER RIGHARD & JAWORSKI AUDE GERBPACHER MHIAN J. AMOS TONIA A. BAYOUR ORKDONY J. CARGO JOSEPH A. SHEHINDRY AGHOR D. CHANDRAT LIBA E. HORWITZ HINDY A. DYM"

FACBIMILE: (2) (2) 301-002年 (2) (2) 301-002年 (2) 301-0630 (2) (2) 391-063((2) (2) 027-0247

DCIENTIFIC ADVISOR JAMES R. MAJOR, O. PHIL AMANDA L. WILLIS, PH D.

FOUNDED (487)
www.opoperdunham.som

ONIGHTS NOTICE MAN ADMISSION PENDING

FACSIMILE TRANSMISSION

PLEASE DELIVER THE FOLLOWING PAGES

TO: United States Patent and Trademark Office
ATTN: Examiner Bruce Hess, Group Art Unit 17747

FAX NO.: (571) 273-8300

FROM: Paul Teng OUR DOCKET NO.: 2271/69806

DATE : August 31, 2007

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 3

O IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0400.

♥ MESSAGE ♥

In connection with Serial No. 10/634,551: COMMUNICATION AND RESPONSE TO NOTICE OF ALLOWANCE.

Due Date: August 31, 2007

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

COOPER & DUNHAM LLP

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036 TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM
NORMAN H. ZIVIN
JOHN P. WHITE
ROBERT B.G. HOROWITZ
ERIC D. KIRSCH
GARY J. GERSHIK
WENDY E. MILLER
ROBERT T. MALDONADO
MARIA V. MARUCCI

JEFFREY C. SHIEH

TONIA A. SAYOUR

LISA E. HORWITZ'

ASHOK G. CHANDRA*

IVAN S. KAVRUKOV
PETER D. MURRAY
WILLIAM E. PELTON
ROBERT D. KATZ
PAUL TENG
PETER J. PHILLIPS
RICHARD S. MILNER
RICHARD F. JAWORSKI
AUDE GERSPACHER
BRIAN J. AMOS
GREGORY J. CARBO
JOSEPH A. SHERINSKY*

HINDY R. DYM*

FACSIMILE: (212) 391-0525 (212) 391-0526 (212) 391-0630 (212) 391-0631 (212) 827-0247

SCIENTIFIC ADVISOR

JAMES R. MAJOR, D. PHIL.

AMANDA L. WILLIS, PH.D.

FOUNDED 1887
www.cooperdunham.com

*NEW YORK STATE BAR ADMISSION PENDING

FACSIMILE TRANSMISSION

PLEASE DELIVER THE FOLLOWING PAGES

TO: United States Patent and Trademark Office

ATTN.: Examiner Bruce Hess, Group Art Unit 17747

FAX NO.: (571) 273-8300

FROM: Paul Teng OUR DOCKET NO.: 2271/69806

DATE: August 31, 2007

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 3

O IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0400.

● MESSAGE ®

In connection with Serial No. 10/634,551: COMMUNICATION AND RESPONSE TO NOTICE OF ALLOWANCE.

Due Date: August 31, 2007

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Dkt. 2271/69806

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yoshifumi NOGE et al.

Serial No.: 10/634,551 Group Art Unit 1774

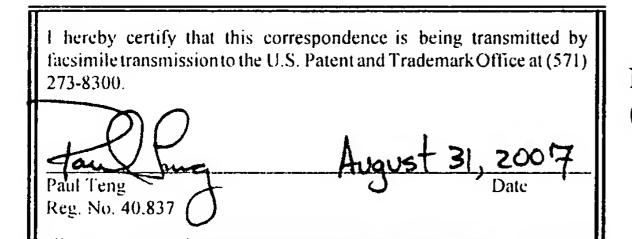
Filed: August 5, 2003 Examiner B.H. Hess

For: RECEIVING PAPER FOR THERMAL TRANSFER RECORDING AND

MANUFACTURING METHOD THEREOF

Conf. No.: 6036 Class-Subclass: 428-032390

Issue Fee Due Date: August 31, 2007



1185 Avenue of the Americas New York, N.Y. 10036 (212) 278-0400

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

COMMUNICATION AND RESPONSE TO NOTICE OF ALLOWANCE

Sir:

A Notice of Allowance dated May 31, 2007 was issued by the Patent Office in connection with the above-identified application. The due date for paying the issue fee is August 31, 2007.

While reviewing the file after receiving the Notice of Allowance, applicant found that the Patent Office had not returned an initialed version (that is, bearing the initials of the Examiner handling this application) of the Form PTO-1449 submitted with the Information Disclosure

Dkt. 69806 CCD

Yoshifumi NOGE et al., S.N. 10/634,551

Page 2

Statement filed on November 21, 2003. Accordingly, applicant's representative contacted Examiner

Bruce Hess of the Patent Office who is in charge of examination of this application.

On October 31, 2007, the undersigned received a telephone call from Examiner Hess who

stated that he considered the references cited in the November 21, 2003 Information Disclosure

Statement, and has decided that the application will be withdrawn from issue and that he will issue

an Office Action rejecting one or more claims based on one or more of the references cited in the

November 21, 2003 Information Disclosure Statement. The Examiner further stated that in view of

these circumstances, applicant should not pay the issue fee.

In view of the discussion by the Examiner with the undersigned, applicant will not be paying

the issue fee by the August 31, 2007, but instead will wait for the issuance of a new Office Action.

If the Examiner deems that a further telephone interview is necessary and/or could advance

the prosecution of this application, the Examiner is respectfully requested to call the attorney of

record.

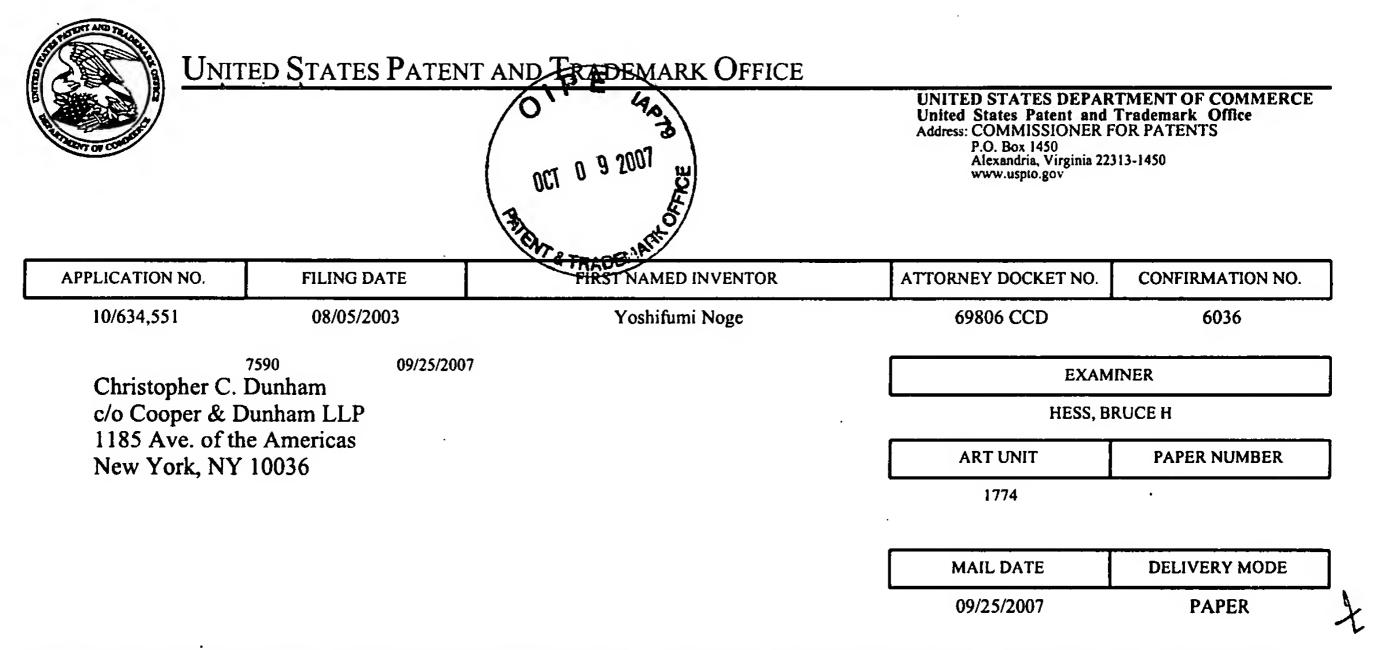
Respectfully submitted,

Paul Teng, Reg. No. 40,837

Attorney for Applicant

Cooper & Dunham LLP

Tel.: (212) 278-0400



Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

2-291/69806		CC	D
OIPE	Application No.	Applicant(s)	<u> </u>
plemental Notice of Allowability	10/634,551	NOGE ET AL.	
• 1	Examiner	Art Unit	
OCT 0 9 2007	Bruce H. Hess	1774	
The MAILING DATE of this communication appeared all claims being allowable, PROSECUTION ON THE MERITS IS (herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RICO of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this apport of other appropriate communication GHTS. This application is subject to and MPEP 1308	olication. If not include will be mailed in due of withdrawal from issue	ed course. THIS e at the initiative
1. This communication is responsive to <u>lelephone</u> i	ntervieus on 8-3	COCOEP & DUNHA	9-17-107
2. The allowed claim(s) is/are 3-7 and 15-1	8	. 7	1 3
3. Acknowledgment is made of a claim for foreign priority una a) ■ All b) ■ Some* c) ■ None of the:		28 20i	
1. Certified copies of the priority documents have		DOCKET CLERK	REM
2. Certified copies of the priority documents have		·	
3. Copies of the certified copies of the priority doc	cuments have been received in this	national stage applicat	ion from the
International Bureau (PCT Rule 17.2(a)).	3 mg	with resp Du Lenander	11250
* Certified copies not received:		remunaer-	H-Cac
Applicant has THREE MONTHS FROM THE "MAILING DATE" of noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the req	uirements
4. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give			OTICE OF
5. CORRECTED DRAWINGS (as "replacement sheets") must	t be submitted.		
(a) including changes required by the Notice of Draftsperse	on's Patent Drawing Review (PTO-	948) attached	
1) hereto or 2) to Paper No./Mail Date	•		
(b) including changes required by the attached Examiner's Paper No./Mail Date	Amendment / Comment or in the O	ffice action of	•
Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the			back) of
6. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT F			lote the
		•	•
· ·			
Attachment(s) 1. Notice of References Cited (PTO-892)	5. Notice of Informal P	atent Application	
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. M Interview Summary	(PTO-413),	
3. 🔀 Information Disclosure Statements (PTO/SB/08),	Paper No./Mail-Dat 7. ☐ Examiner's Amenda	e <u>attached</u>	
Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit	8. X Examiner's Stateme	ent of Reasons for Allo	wance
of Biological Material	9.	-0 01	
		Yours Id	O.K
		Bruce H Hess Primary Examiner Art Unit: 1774	

Application/Control Number: 10/634,551

Art Unit: 1774

Page 2

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicants' attorney, Christopher Dunham, on September 17, 2007.

The application has been amended as follows:

A. Claim 2 has been cancelled;

B. In claim 4 (renumbered for issue as claim 1), line 14 after "temperature", —and wherein the resin emulsion comprises a resin having a glass transition point of not less than 45 C — has been inserted.

The following is an examiner's statement of reasons for allowance: The present claims distinguish over European Patent 0 618 080 which requires a resin having a glass transition point of –60 to –5 C. Thus, applicants' claimed resin having a glass transition point of not less than 45 C is neither taught nor suggested by European Patent 0 618 080.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

BRUCE H. HESS PRIMARY EXAMINER GROUP 1300

Bruce Res

	Application No.	Applicant(s)
Interview Summary	10/634,551	NOGE ET AL.
interview dummary	Examiner	Art Unit
	Bruce H. Hess	1774
All participants (applicant, applicant's representative, PTO	personnel):	
(1) Bruce H. Hess.	(3)	
(2) Christopher Dunham	(4)	
Date of Interview: 9-17-07		
Type: a) → Telephonic b) ─ Video Conference c) ─ Personal [copy given to: 1) ─ applicant 2	2) applicant's representative	·]
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	e) No.	
Claim(s) discussed: 2-7 and 15-18		
Claim(s) discussed: 2-7 and 15-18 Identification of prior art discussed: EP. 0 618	080	
Agreement with respect to the claims f) was reached. g)☐ was not reached. h)☐ N	/A.
Substance of Interview including description of the general reached, or any other comments: See attacked (A fuller description, if necessary, and a copy of the amend allowable, if available, must be attached. Also, where no callowable is available, a summary thereof must be attached. THE FORMAL WRITTEN REPLY TO THE LAST OFFICE A	ments which the examiner agroups of the amendments that w	reed would render the claims rould render the claims
INTERVIEW. (See MPEP Section 713.04). If a reply to the GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW on reverse side or on attached sheet.	last Office action has already OF ONE MONTH OR THIRTY ERVIEW SUMMARY FORM, V	been filed, APPLICANT IS DAYS FROM THIS WHICHEVER IS LATER, TO
	isoli Tu	MARY EXAMINER

U.S. Patent and Trademark Office PTOL-413 (Rev. 04-03)

Examiner Note: You must sign this form unless it is an

Attachment to a signed Office action.

Interview Summary

Paper No. 20070917

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
 - (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

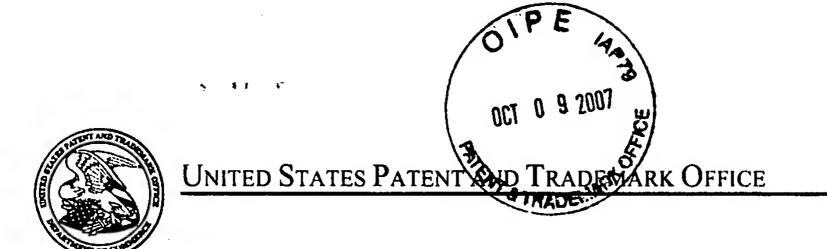
Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Page 1 of 1

Form PT	O-14				Pat	tent	and	69806 CCD 10						I No. 34,551
		ł	NF	ORI	MA	TIC)N I	DISC	CLOSURE	CITATION	Applicar	its: Yoshifum	i NOGE	et al.
					(Us	ie se	ver	ai si	reets if nece	essary)	Filing Date August	5, 2003	Grup 1774	
			·						U.S. P.	ATENT DOCUMENT	S			 .
xaminer nitlel	3spa:		Nµ0	ber	·				Dute	Mainte	Class	34111Ci238	Filing I	
BH	US	5	1	5	5	٥	9	D	10/1992	Acho et al.			if Appr	opriste
	-	<u> </u>	\vdash	+	+	-	\bot	+						
	-	┼-	-	\vdash	-	╁	+							
						上								
		 	╀-	_	+-		-							
<u> </u>	-			+	+-	-	+-	+-	 					
		<u> </u>	-						FOREIGN	PATENT DOCUMEN	VTS		<u>.</u> .	-
D	com	nt.	Nun	nbe	r				Date	Country	Class	Subclass	Transla	ation
ВН		ō	6	1	В	0	8	0	10/1994	Entobe			Yes	No
BH		0	7	5	1	0	0	5	01/1997	Europe		 		
					-		-	-						
						-	-	<u> </u>						
	1	اــــــ	OT	HE	R	000	:UIN	4EN	FTS (Includ	ing Auchen Title Dec				
								4 (24)	ris (menua	ing Author, Title, Date	e, Perlinent Pr	iges, Etc.)	·	
BH		Pate	ant	λba	tsa	cta	of	Jay	ha, vol. ()16, No. 299 (M-1274)	, July 2, 19	92,		
BH		bet	TRO	rt o	ŧ J	P 0	408	2790	, 03/16/93					
вн			pea	n 5	827	ch i	Remo	ort.	RP 030177	/50.5 - 1251-, 11/03/20				
											EDU		<u> </u>	
AMINER		<u> </u>	س		(K	م ه		DATE CONS	DERED 9-17-0				



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,551	08/05/2003	Yoshifumi Noge	69806 CCD	6036
Christopher C.	7590 09/26/200 7 Dunham		EXAM	INER
c/o Cooper & I	Dunham LLP		HESS, B	RUCE H
1185 Ave. of th New York, NY			ART UNIT	PAPER NUMBER
row roin, ivi	10030		1774	
			MAIL DATE	DELIVERY MODE
			09/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

- 2271/6980b OCT 0 9 2007 Fxaminer Application No. Applicant(s) Yoshifumi Noge Notice of Abandonment **Art Unit** HESS, BRUCE H 1774 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--This application is abandoned in view of: 1. Applicant's failure to timely file a proper reply to the Office letter mailed on ... (a) A reply was received on ____ (with a Certificate of Mailing or Transmission dated ____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on ____ (b) A proposed reply was received on ____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). (c) A reply was received on ____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the nonfinal rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). (d) No reply has been received. 2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three-months from the mailing date of the Notice of Allowance (PTOL-85). (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). (b) The submitted fee of \$____ is insufficient. A balance of \$___ is due. The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____. (c) The issue fee and publication fee, if applicable, has not been received. 3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37). (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply. (b) No corrected drawings have been received. 4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants. 5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application. 6. The decision by the Board of Patent Appeals and Interference rendered on ____ and because the period for seeking court review of the decision has expired and there are no allowed claims. 7. The reason(s) below:

/AG/

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

For questions concerning the notice contact Office of Patent Publication Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site: http://www.uspto.gov/web/patents/pubs/abandonnotice.html

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 By facsimile: 571-273-8300

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: By facsimile:

Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 571-273-8300

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: http://www.uspto.gov.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment